

ORIGINAL

KESE

KJEM FM, A LIMITED PARTNERSHIP

216 NORTH MAIN STREET

BENTONVILLE, ARKANSAS 72712

MAY 19, 1992

RECEIVED

FEDERAL COMMUNICATIONS COMMISSION

SECRETARY'S OFFICE

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MAY 26 1992

Federal Communications Commission
Office of the Secretary

RE: MM DOCKET NO. 92-49

RM-7924

REPLY COMMENTS

PLEASE FIND ENCLOSED THE ORIGINAL AND FOUR COPIES OF
THE FOLLOWING ITEMS IN THE ABOVE REFERENCED RULEMAKING
PROPOSAL;

- 1) EXPRESSION OF CONTINUING INTEREST IN UPGRADE
- 2) REPLY COMMENTS OF KJEM FM, A LIMITED PARTNERSHIP,
LICENSEE OF KESE (THE PETITIONER)
- 3) HALFWAY, MISSOURI CHANNEL 256C3 STUDY
- 4) CERTIFICATION OF COPIES OF COMMENTS SERVED

I CERTIFY THAT ALL INFORMATION CONTAINED HEREIN IS TRUE
AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

YOURS TRULY,


ELVIS MOODY

GENERAL PARTNER

KJEM FM, A LIMITED PARTNERSHIP

LICENSEE OF KESE SELIGMAN, MO.

No. of Copies rec'd 074
List A B C D E

KESE

KJEM FM, A LIMITED PARTNERSHIP

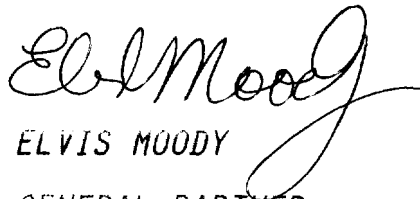
RM-7924

EXHIBIT 1

EXPRESSION OF CONTINUING INTEREST IN PROPOSAL

KJEM FM, A LIMITED PARTNERSHIP, LICENSEE OF KESE HEREBY EXPRESSES ITS CONTINUING INTEREST IN THE UPGRADE PROPOSAL RM-7924, TO UPGRADE CHANNEL 227C2 TO CHANNEL 227C1 AT SELIGMAN, MISSOURI AND TO ORDER THE MODIFICATION OF STATION KESE TO OPERATE ON CHANNEL 227C1.

UPON ADOPTION OF THE PROPOSED RULEMAKING, THE LICENSEE WILL PROMPTLY SUBMIT APPLICATION FOR MODIFICATION OF FACILITIES AND UPON GRANTING OF THE CONSTRUCTION PERMIT WILL PROMPTLY CONSTRUCT AND OPERATE THE PROPOSED FACILITIES IN THE PUBLIC INTEREST.

A handwritten signature in black ink, appearing to read "Elvis Moody". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

ELVIS MOODY

GENERAL PARTNER

KJEM FM, A LIMITED PARTNERSHIP

LICENSEE OF KESE

KESE

KJEM FM, A LIMITED PARTNERSHIP

RM-7924

EXHIBIT 2

REPLY COMMENTS OF PETITIONER

IN THE ORIGINAL PETITION FOR RULEMAKING FILED BY THE PETITIONER AND ADOPTED IN RM-7924 BY THE FCC, KJEM FM, A LIMITED PARTNERSHIP, (HEREINAFTER KESE), ASKED THAT THE TABLE OF ALLOTMENTS BE AMENDED TO ACCOMIDATE THE UPGRADE OF STATION KESE, SELIGMAN, MISSOURI ON CHANNEL 227 FROM CLASS C2 TO CLASS C1. TO ACCOMPLISH THIS CHANGE TWO ADDITIONAL STATIONS WOULD BE REQUIRED TO MOVE FROM THEIR PRESENTLY AUTHORIZED CHANNELS.

STATION KFAY FM AT HUNTSVILLE, ARKANSAS HAS BEEN PROPOSED TO MOVE FROM 225A TO CHANNEL 258A AND STATION KXBR AT GREENFIELD, MISSOURI HAS BEEN PROPOSED TO MOVE FROM CHANNEL 228A TO CHANNEL 299A.

ONE COUNTER PROPOSAL WAS SERVED ON KESE SELIGMAN, THAT WOULD CONFILOT WITH KESE'S ITS PROPOSED RULEMAKING. KYOO BROADCASTING COMPANY (HEARINAFTER KBC) SUBMITTED A PROPOSAL ASKING THAT THE RULEMAKING PROPOSAL TO UPGRADE KESE BE DENIED AND THAT KBC'S PROPOSAL BE GRANTED. THE PROPOSAL OF KBC WOULD ALLOCATE CHANNEL 226C3 FOR CHANNEL 226A AT HALFWAY, MISSOURI, TO ACCOMIDATE THIS REQUEST KBC ALSO REQUESTED THE SUBSTITUTION OF CHANNEL 299A FOR CHANNEL 228A AT GREENFIELD, MISSOURI AND

THE SUBSTITUTION OF CHANNEL 228A FOR CHANNEL 225A AT OZARK, MISSOURI.

NO OTHER COMMENTS OR COUNTER PROPOSALS WERE SERVED ON KESE IN CONNECTION WITH ITS PROPOSED RULEMAKING.

KESE THEN SOUGHT TO DETERMINE IF THERE WAS A POSSIBLE SOLUTION THAT WOULD PROVIDE AN UPGRADE FOR BOTH PETITIONERS WITHOUT CONFLICT. IN ITS COUNTER PROPOSAL, KBC IN ITEM 7, SAYS, " IF THE ABOVE MENTIONED SUBSTITUTIONS ARE MADE AT GREENFIELD AND OZARK, THE PERMISSIBLE SITE AREA FOR A STATION OPERATING ON CHANNEL 226C3 IS AMPLE," THIS INDICATES THAT KBC MIGHT BE WILLING TO ACCEPT AN EVENTUAL SITE OTHER THAN THAT PROPOSED.

KESE HAS DETERMINED THAT CHANNEL 256C3 CAN BE ALLOCATED TO HALFWAY, MISSOURI AT THE CO-ORDINATES 37-45-06,93-15-00 WITH NO SHORTSPACING TO ANY EXISTING OR PROPOSED ALLOCATIONS AND WOULD REMOVE THE CONFLICT THAT EXISTS WITH THE PROPOSAL TO UPGRADE KESE TO CHANNEL 227C1.

KESE, RESPECTFULLY SUBMITS THAT ITS PROPOSAL TO UPGRADE FROM CHANNEL 227C2 TO CHANNEL 227C1 AT SELIGMAN, MISSOURI IS IN THE PUBLIC INTEREST SINCE IT WILL ADD A LARGE AMOUNT OF NEW SERVICE AREA TO THAT OF KESE IN THE RURAL PORTION OF SOUTHWEST MISSOURI. THUS, KESE STILL SUPPORTS ITS ORIGINAL PROPOSAL CONTAINED IN MM DOCKET NO 92.-49, RM-7924. HOWEVER, IN ORDER TO RESOLVE THIS PROCEEDING AND AVOID A POTENTIALLY LENGTHY DELAY IN THE UPGRADE PROPOSED BY KESE, DUE TO THE MUTUALLY EXCLUSIVE PROPOSAL OF KBC, KESE REQUESTS THAT THE FM TABLE OF ALLOTMENTS BE MODIFIED AS FOLLOWS:

CITY	PRESENT	PROPOSED
SELIGMAN, MISSOURI	227C2	227C1
HUNTSVILLE, ARKANSAS	225A	258A
GREENFIELD, MISSOURI	228A	299A
HALFWAY, MISSOURI	226A	256C3

THIS PROPOSAL IS CONSISTANT WITH COMMISSION RULES AS IT PROPOSES ONLY THOSE COMMUNITIES THAT WERE PROPOSED PRIOR TO THE MAY 8, 1992 DEADLINE FOR COMMENTS AND SIMPLY INVOLVES THE SUBSTITUTION OF CHANNEL 256C3 AT ALTERNATIVE CO-ORDINATES FOR CHANNEL 226C3 AS PROPOSED BY KBC FOR USE AT HALFWAY, MISSOURI. FURTHERMORE, ADOPTION OF THIS PROPOSAL WILL ALLOW FOR FULL RESOLUTION OF THIS PROCEEDING.

KESE REMAINS WILLING TO PAY THE REASONABLE COSTS OF CHANGING KXBR AND KFAY FM TO FACILITIES EQUAL TO THEIR CURRENT FACILITIES ON THE NEWLY ASSIGNED FREQUENCIES.

IF THE PROPOSAL TO ALLOT CHANNEL 256A TO HALFWAY, MISSOURI IS ADOPTED IT WILL ALLOW BOTH KY00 AND KESE TO UPGRADE TO HIGHER CLASS FACILITIES. AND, THUS WILL PROVIDE IMPROVED FM SERVICE TO SELIGMAN AND HALFWAY, MISSOURI. PROVISION OF SUCH IMPROVED SERVICE IS IN THE PUBLIC INTEREST AND, THUS IT IS RESPECTFULLY REQUESTED THAT THE COMMISSION AMEND THE TABLE OF ASSIGNMENTS AS HEARIN PROPOSED.

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EXHIBIT 3

CHANNEL 256C3 STUDY FOR HALFWAY, MISSOURI

SITE CO-ORDINATES 37-45-06,93-15-00

CHANNEL	CITY	BEARING	DISTANCE	REQUIRED
253A	WARSAW, MISSOURI	351.29	66.26KM	42KM
254C1	SPRINGFIELD, MISSOURI	183.82	77.86KM	76KM
255C	LEAVENWORTH, KANSAS	322.03	187.05KM	176KM
255A	ST. ROBERT, MISSOURI	84.52	95.85KM	89KM
256A	GIRARD, KANSAS	257.72	143.49KM	142KM
257C2	HOUSTON, MISSOURI	119.64	143.89KM	117KM
257A	GROVE, OKLAHOMA	227.14	184.51KM	89KM
258A	REPUBLIC, MISSOURI	191.91	66.37KM	42KM

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EXHIBIT 4

CERTIFICATION OF SERVICE

I CERTIFY THAT ON THIS DATE, I HAVE MAILED BY CERTIFIED MAIL THE ORIGINAL AND FOUR COPIES OF THIS PETITION FOR RULEMAKING AND ALL EXHIBITS TO THE FCC AND ONE COPY OF EACH TO THE FOLLOWING;

MR. CHRIS DEVINE

KXBR, INC.

19 EAST 200 SOUTH, SUITE 101

SALT LAKE CITY, UTAH 84111

PAT DEMAREE

DEMAREE MEDIA, INC.

KFAY FM

P.O. BOX 878

FAYETTEVILLE, ARKANSAS 72702

KYOO BROADCASTING COMPANY

WILLIAM J. PENNINGTON

P.O. BOX 4203

WILMINGTON, NORTH CAROLINA 28406

KZPF RADIO

OZARK MOUNTAIN BROADCASTING, INC.

512 WEST EDGEWOOD

SPRINGFIELD, MISSOURI 65807

DATE:

May 26, 1992

CERTIFIED BY:

Elvis Moody

ELVIS MOODY